

### **REMARKS**

This amendment is submitted in response to the Examiner's Action dated March 8, 2007. Applicants have amended the claims to more clearly and completely recite the features of the invention and overcome the claim rejections. Specifically, Applicants have incorporated subject matter from dependent claims (now canceled) and additional subject matter recited within the specification into the various independent claims. The added subject matter is subject matter, which Applicants believe places the independent claims in better condition for allowance.

Applicants are not conceding in this application that those independent claims and their dependent claims, as originally presented, are not patentable over the art cited by the Examiner. The present claim amendments and cancellations are only for facilitating expeditious prosecution of subject matter believed to be allowable over the references. Applicants respectfully reserve the right to pursue these original claims and other claims in one or more continuations and/or divisional patent applications.

No new matter has been added, and the amendments place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

### **DOUBLE PATENTING**

In the present Office Action, Claims 1, 12, 14 and 17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 12, 14 and 17 of U.S. Patent Application No. 10/750,594. Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). This filing overcomes the double patenting rejection and places the claims in condition for allowance.



### CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In the present Office Action, Claims 1-6, 8-22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Challener* (U.S. Patent Pub. No. 2002/0169717) in view of *Smith et al.* (U.S. Patent No. 6,233,685). Additionally, Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Challener* and *Smith* as applied to Claims 1 and 17, and further in view of *Wood, et al.* (U.S. Patent Pub. No. 2006/0074727).

Claims 7 and 23 have been canceled, rendering the rejection of these claims moot. The elements of Claims 7 and 17 have been incorporated into their respective independent claims.

The combinations of *Challener* and *Smith* and *Challener, Smith* and *Wood* do not render Applicants' claimed invention unpatentable because neither combination suggests the subject matter recited by Applicants' independent claims. Specifically, one skilled in the art would not find that several features recited by Applicants' independent claims to be suggested by the references or the various combinations thereof. Among the features that are not suggested by the references or the combinations thereof are the following:

(1) wherein the signing key pair is a first signing key pair that is provided to a first set of said plurality of valid devices and a second set of said plurality of valid devices are provided a second signing key pair, based on a pre-defined method for determining when to switch from utilizing said first signing key pair to utilizing said second signing key pair, said pre-defined method selected from among:

expiration of a preset amount of device manufacturing time; and  
manufacture of a preset number of devices from the plurality of  
valid devices;

(2a) verifying at a credential server that an endorsement key of a requesting device is a valid endorsement key generated during manufacture of said valid device ...; and

(2b) inserting an endorsement certificate ... only when said endorsement key is confirmed having been generated from within a valid device;

(3) wherein said signing key pair is a single-use parameter, ... immediately destroying said signing key pair ... following a creation of said EK.

The specific sections of *Challener* and *Wood* being relied upon to support the rejections of the above elements are devoid of any teaching of those elements. For example, paragraph 0039 of *Wood* fails to teach or suggest a single-use signing key pair that is destroyed following



creation of the EK. In fact that section merely describes adding “random states from one or more external sources ... when gathering seeding information,” and “eliminating cryptographic breaks into a system by having strong and remote sources of randomness.” Clearly, this paragraph is devoid of any suggestion of the features that the paragraph was cited to reject. Several other paragraphs within *Challener* suffer from similar deficiencies when evaluated against the features and functionality of the recited claim elements. *Smith* also does not suggest any of the above recited claim features.

Given that neither the references nor the combinations thereof suggest the subject matter of Applicants’ claimed invention, Applicants’ claims are allowable over the combinations and are allowable.



### CONCLUSION

Applicants have diligently responded to the Office Action by filing herewith a terminal disclaimer to overcome the provisional double patenting rejection. Applicants have also amended the claims to overcome the §103 rejections and provided arguments which explain why Applicants' claims are not obvious in light of the combinations of references provided. The amendments and filing of the terminal disclaimer remove/overcome the rejections to the claims, and the amendments place the claims in condition for allowance. Applicants, therefore, respectfully request a Notice of Allowance for all claims now pending.

Applicants further respectfully request the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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